

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 10377 of 1996

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the Judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

TUKARAM DEVA KALGUDE
VERSUS
STATE OF GUJARAT

Appearance:

MR PR NANAVATI for Petitioners
MR BY MANKAD, AGP, for Respondents

CORAM : MR JUSTICE S.K. KESHOTE
Date of decision: 10/05/99

C.A.V. JUDGMENT

1. When the matter was heard Shri Mankad was not present. After hearing the learned counsel for the

petitioners, this Court ordered for keeping the order C.A.V.. However, immediately after passing of this order, Shri Mankad appeared and he has also produced a zerox copy of the document, a letter to the petitioners by the respondents, which is taken on record. On being asked by the Court, learned counsel for the respondents very fairly conceded that he is unable to say whether the matter for granting relief to the petitioner has been finally decided or not.

2. The petitioners, in all, eleven in number, are the persons who are working in the L.D. Engineering College Hostel on consolidated salary for last many years. The petitioners produced along with the special civil application, the details of their service particulars and with specific reference to the year from which they are working. In this petition, notice has been issued by this court on 20th December, 1996 and the matter has come up for admission on 22-1-1997, on which date, Shri H.G. Patel, AGP, appearing for the respondents submitted that he received a letter dated 7-1-1997 from the Technical Education Department and therein he has been informed that the claim of the petitioners for granting relief is in active consideration of the respondents. In the light of this statement made, this court has adjourned the matter to 14-2-1997 with direction to the AGP to report the progress in the matter on the basis of the letter dated 7-1-1997. Then this matter has come up for hearing before this Court on 19-2-1997, on which date, AGP who put appearance for the respondents made a statement that the question of giving relief to the petitioners is in progress and under active consideration. On this statement, this court adjourned the matter to 25-2-1997. On 25-2-1997, the matter has been adjourned to 28-2-1997. Then the matter came up before the Court on 4-3-1997, on which date, the matter has been admitted and by way of interim relief it is directed that the petitioners may be considered for appointment on the post of Hamal-cum-Peons in L.D. Engineering Hostel as and when such appointments are required to be made. Though more than two years have passed, total contribution of the respondents in this matter is even they have not cared to file reply to this special civil application as well as to let this court know what ultimate decision has been taken in the matter by the respondents. It is really sorry state of affairs that in such matters, the State of Gujarat its functionaries and officers are not taking any interest. Once before this Court it has been given out that the matter of grant of relief of the petitioners is under active

consideration and progress, it is the duty of the respondents to decide that matter to its logical conclusion and to produce that decision before this court. How the officers of the Government act in the matters of low paid employees is clearly exhibited from this case. Even they do not bother for the orders of the court. Once the court has given direction then it has to be faithfully and honestly complied with. Noncompliance of that direction, amount to contempt of court. The officer should have been careful in the matter and also should have kept in mind that the courts may take the action for noncompliance of its directions by issuing the contempt notice and where it is found to be case of deliberate noncompliance of the order, appropriately the defaulting officer can also be punished. Secondly, the respondents once they made a statement before this court that they are considering the case of the petitioners for giving them the relief they have to decide it and they cannot defer the decision thereof. By long gap of time also, this court will not decide the matter but it will insist and it has to insist upon the respondents to stand to their commitment made before this court. Otherwise also, in the matters where the reply to the special civil application are not filed by the respondents, it is better that the court has a reasoned order before it so that the writ petition may be finally disposed of without waiting for the reply or calling the relevant record of the case.

3. In the result, this special civil application is disposed of in terms that this special civil application shall be considered to be the representation of the petitioners to the respondent No.1, namely, the Secretary, Education Department, Technical Education, Sachivalaya Gandhinagar and it has to be decided within a period of one month from the receipt of the same along with the copy of this order. In case the grievance of the petitioners are not acceptable and relief for which they prayed for in this writ petition, now the representation, are not acceptable a reasoned order has to be passed and copy of the same may be sent to the petitioners by registered post A.D.. Where the grievances of the petitioners are acceptable then they shall be entitled for all the consequential benefits. The respondents shall pass necessary orders and give all the consequential relief to the petitioners within a period of two months from the date of passing of the order. The special civil application and Rule stand disposed of in the aforesaid terms with no order as to costs and with a liberty to the petitioners or any of

the petitioners for revival of this special civil
application, in case of difficulty.

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